

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

United States of America,

-v-

Joseph Lewis, et al.,

Defendants.

23-CR-370 (JGLC)

ORDER

JESSICA G. L. CLARKE, United States District Judge:

On August 8, 2023, at a pretrial conference in this case, counsel for Defendants Patrick O'Connor and Bryan Marty Waugh alerted the Court to benefactor payments that could give rise to potential conflicts of interest. The Court is inclined to believe that a *Curcio* hearing should be held. To that end, **by September 6, 2023**, counsel for Defendants O'Connor and Waugh shall submit a joint letter further describing the payment arrangements at issue here and whether they believe a *Curcio* hearing is necessary.

By September 15, 2023, the Government shall respond with its analysis of potential conflicts and its position on whether a *Curcio* hearing is necessary. If the Government believes a hearing is necessary, it shall set forth in the letter its position on: (1) whether the potential conflict is waivable; (2) whether the *Curcio* hearing can be held on one day or should be divided into two proceedings so that the Defendants can consider whether to waive any potential conflict before reconvening; and (3) whether the Court should appoint independent counsel to advise the Defendants with respect to this matter. To the extent applicable, the Government also shall attach to its letter a "Curcio script" with a proposed allocution for the Court to use at a proceeding.

Dated: August 28, 2023
New York, New York

SO ORDERED.



JESSICA G. L. CLARKE
United States District Judge